

**DECISION**



*18374*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-203121

DATE: June 8, 1981

MATTER OF: MPT Enterprises

**DIGEST:**

GAO will not review contracting officer's determination of non-responsibility where small business bidder does not file for certificate of competency from Small Business Administration.

MPT Enterprises (MPT) protests the rejection of its bid under solicitation No. FD2060-81-95002 issued by the Warner Robins Air Logistics Center, Robins Air Force Base, Georgia, on the basis that it is a non-responsible bidder.

We have been advised by the contracting agency that MPT is a small business concern. Under the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7) (Supp. I, 1977), and the applicable section of the Defense Acquisition Regulation § 1-705.4(c) (1976 ed.), no small business concern may be precluded from award because of nonresponsibility without referral of the matter to the Small Business Administration (SBA) for a final disposition under the certificate of competency (COC) procedures regardless of the basis for nonresponsibility finding. The SBA is empowered to certify conclusively to Government procurement officials with respect to all elements of responsibility. Angelo Warehouses Co., B-196780, March 28, 1980, 80-1 CPD 228.

The Air Force advised us that the question of MPT's responsibility was referred to the SBA under the COC procedures, but that MPT failed to file a COC application. MPT states that it felt the paper work involved in preparing the COC application was voluminous and past experience indicated it served no useful purpose.

*[Protest of Bid Rejection as Nonresponsible]*

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We will not undertake a review of a contracting officer's determination of nonresponsibility because the SBA is the agency specifically authorized by statute to review such decisions. Since MPT did not receive a COC, no further review is required. Fifth Generation Systems, B-199716, September 18, 1980, 80-2 CPD 205.

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel